



# RULE-MAKING ORDER EMERGENCY RULE ONLY

## CR-103E (December 2017) (Implements RCW 34.05.350 and 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: July 21, 2022

TIME: 1:00 PM

WSR 22-16-009

**Agency:** Department of Fish and Wildlife (Order 22-146)

**Effective date of rule:**

**Emergency Rules**

- Immediately upon filing.
- Later (specify)

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

- Yes
  - No
- If Yes, explain:

**Purpose:** The purpose of this emergency rule is to open additional coastal and Puget Sound recreational halibut seasons.

**Citation of rules affected by this order:**

- New:
- Repealed:
- Amended: WAC 220-314-030
- Suspended:

**Statutory authority for adoption:** RCW 77.04.012, 77.04.020, 77.12.045 and 77.12.047

**Other authority:**

**EMERGENCY RULE**

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

**Reasons for this finding:** This emergency rule is needed to open additional all-depth recreational halibut retention days in Marine Areas 1 through 10. Severe inclement weather on previously scheduled halibut days precluded or significantly reduced fishing effort. Substantial quota remains and adding dates in August and September supports progress towards attaining the Washington sport quota. The National Marine Fisheries Service (NMFS) has adopted regulations for Pacific halibut fisheries in 2022 including the additional season dates described here. This emergency rules revises state rules to conform to federal regulations. There is insufficient time to adopt permanent rules.

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.**

**The number of sections adopted in order to comply with:**

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___

**The number of sections adopted at the request of a nongovernmental entity:**

New \_\_\_\_ Amended \_\_\_\_ Repealed \_\_\_\_

**The number of sections adopted on the agency's own initiative:**

New 1 Amended \_\_\_\_ Repealed \_\_\_\_

**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New \_\_\_\_ Amended \_\_\_\_ Repealed \_\_\_\_

**The number of sections adopted using:**

Negotiated rule making:	New	____	Amended	____	Repealed	____
Pilot rule making:	New	____	Amended	____	Repealed	____
Other alternative rule making:	New	____	Amended	____	Repealed	____

<b>Date Adopted:</b> July 21, 2022
<b>Name:</b> Kelly Susewind
<b>Title:</b> Director

**Signature:**



## NEW SECTION

### **WAC 220-314-03000L Halibut—Seasons—Daily and possession limits.**

Notwithstanding the provisions of WAC 220-314-040, and 220-314-010, effective immediately, through September 30, 2022, it is unlawful to fish for or possess halibut taken for personal use, except as provided in this section. All other provisions of WAC 220-314-040, and 220-314-010, including Yelloweye Rockfish Conservation Areas (YRCA), not addressed herein, remain in effect unless otherwise amended by emergency rule:

**(1) Catch Record Card Area 1 All Depth Fishery, including Southern Near Shore Fishery area:**

Open August 19, 25, and 28; September 3, 4, and 23, 2022.

**(2) Catch Record Card Area 1 Southern Near Shore Fishery;** Those waters shoreward from 46°38.17'N. lat., 124°15.88'W. long., to the WA/OR border at 46°16.00'N. lat., 24°15.88'W. long. (then connecting to the 40 fathom depth contour in Oregon):

Open immediately, through September 28, 2022; Mondays through Wednesdays only, except as described in subsection (1) of this rule.

**(3) Catch Record Card Area 2 All Depth Fishery, including Northern Near Shore Fishery area:**

Open August 19, 25, and 28; September 3, 4, and 23, 2022.

**(4) Card Record Areas 3 and 4:**

(a) Open August 11 through September 5, 2022; Thursdays through Mondays only.

(b) Open September 6 through September 30, seven days per week.

**(5) Catch Record Card Area 5 through 10:**

Open August 11 through September 30, 2022, seven days per week.

**(6) Catch Record Card Areas 11, 12 and 13:** Closed.